

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Inventors: Ulrich Certa, Juergen Fingerle, Peter Nelboeck-Hochstetter,
Hans-Joachim Schoenfeld

Serial No. 10/735,973, filed December 15, 2003
(Ref. No. 21507 US)

For: **MODIFIED PHOSPHODIESTERASE POLYPEPTIDES WITH ALTERED
PHYSIOCHEMICAL PROPERTIES**

PETITION UNDER 37 C.F.R. § 1.53(e)
IN RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION
FILED UNDER 37 C.F.R. § 1.53(b)

Nutley, New Jersey 07110
May 13, 2004

Commissioner for Patents
Mail Stop: Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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In response to the Notice of Incomplete Nonprovisional Application issued March 17, 2004, Applicants hereby petition the Patent Office to withdraw the Notice and grant December 15, 2003, as the filing date of the above-captioned application because drawings are not necessary under 35 U.S.C. § 113 for an understanding of the subject matter sought to be patented.

Applicants filed the instant application December 15, 2003. The application is directed to polypeptides that contain a PDE polypeptide sequence with an amino-terminal deletion and that

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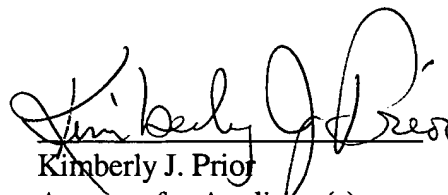
exhibit decreased aggregate formation. Figures 1 to 6 were inadvertently omitted from the application at filing.

The drawings mentioned in the specification as filed simply depict graphically the data from the examples in the specification and are not necessary to understand the invention. References to the Figures have been removed from the application by the accompanying Preliminary Amendment.

The fee for filing this Petition in accordance with 37 C.F.R. § 1.17(h) is \$130.00, which the Director is hereby authorized to charge Deposit Account No. 08-2525. Applicants request that upon grant of this Petition, the petition fee be refunded by credit to Deposit Account No. 08-2525. No additional fees are believed due. However, the Director is hereby authorized to charge any deficit, or credit any overpayment, to Deposit Account No. 08-2525.

For these reasons, Applicants respectfully petition the Patent Office to withdraw the Notice of Incomplete Application and grant December 15, 2003, as the filing date of the instant application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kimberly J. Prior".

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